

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

STEVEN CONSTANTINE,

Plaintiff,
v

Case No: 14- - NO
Hon.

DERRICK FELTON and
ELIZABETH COLLINS FELTON

Defendants.

THE SAM BERNSTEIN LAW FIRM, PLLC

MARK J. BERNSTEIN (P56528)

BRIAN R. ZAID (P-72104)

Attorneys for Plaintiff(s)

31731 Northwestern Highway, Ste. 333

Farmington Hills, MI 48334-2519

248-737-8400

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, STEVEN CONSTANTINE, by and through his attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, by MARK J. BERNSTEIN and BRIAN R. ZAID, and for their cause of action against the Defendants, DERRICK FELTON and ELIZABETH COLLINS FELTON, respectfully shows unto this Honorable Court as follows:

1. That Plaintiff, STEVEN CONSTANTINE, is a resident of the City of Detroit, County of Wayne, State of Michigan.

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2. That Defendant, DERRICK FELTON, is a resident of the City of Detroit, County of Wayne, State of Michigan.

3. That Defendant, ELIZABETH COLLINS FELTON, is a resident of the City of Detroit, County of Wayne, State of Michigan.

4. That all of the acts and occurrences arose in the City of Detroit, County of Wayne, State of Michigan.

5. That the amount in controversy in this litigation exceeds the sum of Twenty Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

COUNT I

6. That on or about the 2nd day of October, 2014, Plaintiff, STEVEN CONSTANTINE , was in a public place, to wit: walking down the 4500 block of Pennsylvania in Detroit, when he was brutally bitten, mauled, attacked, scratched, and otherwise injured by approximately twelve (12) dogs, all owned by Defendants, DERRICK FELTON and ELIZABETH COLLINS FELTON, when they came out towards Plaintiff, STEVEN CONSTANTINE and began eating him alive, and only stopped when law enforcement utilized handguns to stop the horrific attack.

7. That the aforementioned biting and attack took place without provocation on the part of Plaintiff, STEVEN CONSTANTINE.

8. That Defendants, DERRICK FELTON and ELIZABETH COLLINS FELTON, are liable for the damages sustained by Plaintiff, STEVEN CONSTANTINE, by virtue of the terms of MCLA 287.351, a statute of the State of Michigan in full force and effect.

9. That Defendants, DERRICK FELTON and ELIZABETH COLLINS FELTON, owed a duty of care to Plaintiff, STEVEN CONSTANTINE, and those like him to exercise

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reasonable care and precautions in the supervision, training and securing of their dogs so as to prevent foreseeable harm to those like Plaintiff, STEVEN CONSTANTINE, but that notwithstanding said duties, Defendants did breach and violate same in manners including, but not necessarily limited to, the following:

- a. In negligently, carelessly and recklessly failing to take reasonable precautions to secure the aforementioned dogs from attacking and biting Plaintiff;
- b. In negligently, carelessly and recklessly failing to adequately restrain, leash, muzzle, cage or otherwise secure such dogs when Defendant knew or had reason to know the dog's prior vicious propensities and the likelihood of their biting and attacking Plaintiff;
- c. In negligently, carelessly and recklessly allowing the aforementioned dogs to attack a member of the public by failing to adequately restrain such dogs;
- d. In negligently, carelessly and recklessly failing to train, tend and supervise such dogs;
- e. In allowing the aforementioned dogs to run at large in violation of MCL 433.12 and without a license, tags or leash as required by MCL 287.262;
- f. In harboring, keeping, and training the aforementioned dangerous twelve (12) dogs in a home in violation of Wayne County Ordinance;
- g. In permitting the aforementioned dangerous twelve (12) dogs to be at large in violation of Wayne County Ordinance;
- h. In otherwise negligently failing to exercise that degree of care, diligence, caution and reasonable precautions as would be demonstrated by a reasonably prudent person under the same or similar circumstances so as to prevent any risk of foreseeable harm to Plaintiff and those like him; and
- i. In other manners of negligence currently unknown but, which will be ascertained through the course of discovery.

10. That as a direct and proximate result of having been brutally bitten, mauled, attacked, and disfigured by the aforementioned dog, owned by Defendants, DERRICK FELTON and ELIZABETH COLLINS FELTON, Plaintiff, STEVEN CONSTANTINE, suffered and will

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continue to suffer serious, grievous, severe and permanent injuries, disabilities and damages, the full extent and character of which are not yet fully determined but which include and are not necessarily limited to the following:

- a. Injuries to and about the entire upper and lower extremities including but not limited to:
 1. Left arm injuries requiring multiple surgical procedures ending in amputation; and sequalee.
 2. Left leg injuries requiring multiple surgical procedures ending in amputation; and sequalee.
 3. Right arm injuries requiring multiple surgical procedures resulting in right hand paralysis and potential amputation; and sequalee.
 4. Right leg injuries requiring multiple surgical procedures resulting in right foot paralysis and potential amputation; and sequalee.
 5. Other physical injuries to and about his entire torso and head; and sequalee.
- b. Pain, suffering, discomfort, disability and extreme physical and emotional suffering;
- c. Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- d. Permanent emotional disorders;
- e. Fear of animals; fright and shock;
- f. Loss of the natural enjoyments of life;
- g. Loss of earnings and/or future earnings;
- h. Expenditures for hospital, physicians, medicinal things and substances past, present and future.

WHEREFORE, Plaintiff, STEVEN CONSTANTINE, prays that this Honorable Court award him damages against Defendants, DERRICK FELTON and ELIZABETH COLLINS FELTON, in whatever amount in excess of Twenty Five Thousand (\$25,000.00) Dollars to which they are found to be entitled to receive, together with costs, interest and attorney fees.

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JURY DEMAND

NOW COMES Plaintiff, STEVEN CONSTANTINE, by and through his attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, by MARK J. BERNSTEIN and BRIAN R. ZAID, and hereby respectfully demands a trial by jury in the above-entitled cause of action.

Respectfully submitted,



THE SAM BERNSTEIN LAW FIRM, PLLC
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Dated: OCTOBER 24, 2014

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